

LEWIS BRISBOIS BISGAARD & SMITH LLP

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Attorneys for Defendants

OFFICER HERNANDEZ and

OFFICER ESTRADA

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

E-FILED - 9/20/06

ALFREDO BARAJAS; MARCO
HERNANDEZ

Plaintiffs,

v.

OFFICER HERNANDEZ, BADGE NO. 2538,
individually and in his capacity as a San Jose
police officer; OFFICER ESTRADA, BADGE
NO. 1978, individually and in his capacity as a
San Jose police officer; JOHN DOE and
RICHARD ROE, individually and in their
capacities as police officers for the City of San
Jose, the identity and number of whom are
unknown to plaintiff; THOMAS WHEATLEY,
individually and in his capacity as acting chief
of police for the City of San Jose; CITY OF
SAN JOSE; LA CUMBRE ENTERPRISES,
INC. dba CLUB CARIBE; MARIA PEREZ
d.b.a. TRINE'S CAFÉ; DOES 2 through 50

Defendants.

CASE NO. C-05-01934 -RMW

**STIPULATION AND ~~PROPOSED~~ ORDER
FOR DISMISSAL OF ACTION**

IT IS HEREBY STIPULATED by and between the parties hereto, through their

respective counsel of record, that the above-entitled action be dismissed with prejudice, each party
to bear its own costs and fees.

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1 **IT IS SO STIPULATED**

2 DATED: August 5, 2006

LAW OFFICE OF ANTHONY BOSKOVICH

3
4 By 

Anthony Boskovich
Attorneys for Plaintiffs

5
6 DATED: July __, 2006

CITY OF SAN JOSE

7
8
9 By _____

Robert Burchfiel
Sr. Deputy City Attorney
Attorneys for Defendant CITY OF SAN JOSE

10
11 DATED: July __, 2006

LONG & LEVIT LLP

12
13
14 By _____

Beth A. Tritipo
Attorney for Defendant LA CUMBRE
ENTERPRISES, INC. dba CLUB CARIBE

15
16 DATED: July __, 2006

LAW OFFICE OF JUSTIN JAMES

17
18
19 By _____

Justin James
Attorney for Defendant MARIA PEREZ dba
TRINE'S CAFÉ

20
21 DATED: aug 30
22 July __, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

23
24 By 

Peggy S. Doyle
Attorneys for Defendants OFFICER
HERNANDEZ and OFFICER ESTRADA

1 IT IS SO STIPULATED

2 DATED: July __, 2006

LAW OFFICE OF ANTHONY BOSKOVICH

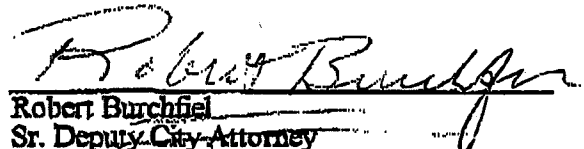
3
4 By

Anthony Boskovich
Attorneys for Plaintiffs

5
6 DATED: July 31, 2006

CITY OF SAN JOSE

7
8
9 By


Robert Burchfiel
Sr. Deputy City Attorney
Attorneys for Defendant CITY OF SAN JOSE

10
11 DATED: July __, 2006

LONG & LEVIT LLP

12
13
14 By

Beth A. Tritipo
Attorney for Defendant LA CUMBRE
ENTERPRISES, INC. dba CLUB CARIBE

15
16 DATED: July __, 2006

LAW OFFICE OF JUSTIN JAMES

17
18
19 By

Justin James
Attorney for Defendant MARIA PEREZ dba
TRINE'S CAFE

20
21 DATED: July __, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

22
23
24 By

Peggy S. Doyle
Attorneys for Defendants OFFICER
HERNANDEZ and OFFICER ESTRADA

LEWIS BRISBOIS BISGAARD & SMITH LLP

ONE SANSOME STREET, SUITE 1400
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 362-2580

1 IT IS SO STIPULATED

2 DATED: August __, 2006

LAW OFFICE OF ANTHONY BOSKOVICH

3
4 By _____
Anthony Boskovich
Attorneys for Plaintiffs

5
6 DATED: July __, 2006

CITY OF SAN JOSE

7
8 By _____
Robert Burchfiel
Sr. Deputy City Attorney
Attorneys for Defendant CITY OF SAN JOSE

9
10
11 DATED: ^{August} July 21, 2006

LONG & LEVIT LLP

12
13 By Beth A. Trittipo
Beth A. Trittipo
Attorney for Defendant LA CUMBRE
ENTERPRISES, INC. dba CLUB CARIBE

14
15
16 DATED: July __, 2006

LAW OFFICE OF JUSTIN JAMES

17
18 By _____
Justin James
Attorney for Defendant MARIA PEREZ dba
TRINE'S CAFE

19
20
21 DATED: July __, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

22
23 By _____
Peggy S. Doyle
Attorneys for Defendants OFFICER
HERNANDEZ and OFFICER ESTRADA

LEWIS BRISBOIS BISGAARD & SMITH LLP

ONE SANSONE STREET, SUITE 1400
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 362-2580

1 IT IS SO STIPULATED

2 DATED: July __, 2006

LAW OFFICE OF ANTHONY BOSKOVICH

3
4 By _____
5 Anthony Boskovich
6 Attorneys for Plaintiffs

7 DATED: July __, 2006

CITY OF SAN JOSE

8
9 By _____
10 Robert Burchfiel
11 Sr. Deputy City Attorney
12 Attorneys for Defendant CITY OF SAN JOSE

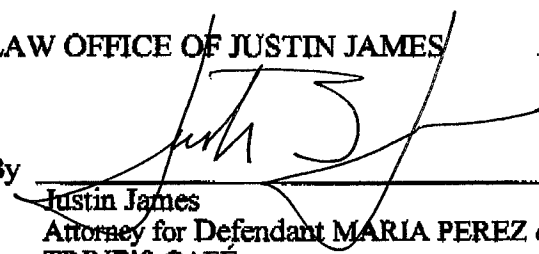
13 DATED: July __, 2006

LONG & LEVIT LLP

14 By _____
15 Beth A. Trittipio
16 Attorney for Defendant LA CUMBRE
17 ENTERPRISES, INC. dba CLUB CARIBE

18 DATED: July 31, 2006

LAW OFFICE OF JUSTIN JAMES

19 By  _____
20 Justin James
21 Attorney for Defendant MARIA PEREZ dba
22 TRINE'S CAFÉ

23 DATED: July __, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

24 By _____
25 Peggy S. Doyle
26 Attorneys for Defendants OFFICER
27 HERNANDEZ and OFFICER ESTRADA
28

ORDER

Pursuant to stipulation of the parties and good cause appearing therefor,

IT IS HEREBY ORDERED that the above-entitled action be dismissed with prejudice,
each party to bear its own costs and fees.

DATED: 9/20, 2006

/S/ RONALD M. WHYTE
HONORABLE RONALD M. WHYTE
Judge of the United States District Court

LEWIS BRISBOIS BISGAARD & SMITH LLP

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SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 362-2580

PROOF OF SERVICE

Barajas v. Hernandez - Northern District of California Court Case No. C-05-01934

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104.

On this date, I served the following document described as

STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF ACTION

on all interested parties in this action by placing ☒ a true copy ☐ the original thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

☐ (BY FACSIMILE) The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a record of the transmission.

☒ (BY MAIL, 1013a, 2015.5 C.C.P.)

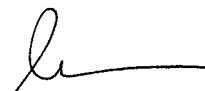
☐ I deposited such envelope in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

☒ I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 6, 2006, at San Francisco, California.



Anna Lisa Villanueva